UNITED STATES PATENT AND TRADEMARK OFFICE

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10/677,675	10/02/2003	Christopher J. Stone	BCS03171	8844

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EXAMINER
MENDOZA, JUNIOR O

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/677,675	STONE ET AL.
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-23 and 26-32* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-23 and 26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 03/11/2009 have been fully considered but they are

not persuasive.

Regarding **claims 1, 7, 15, 20 and 26**, applicant argues that Altmann does not

teach "determining, by the source device, closed caption processing capabilities of a

couple display device [sink device]".

However, the examiner respectfully disagrees with the applicant. Altmann

discloses a technique of transmitting auxiliary data, such as closed caption data,

from a content source, i.e. set top box, see abstract and col. 3 lines 34-41.

Altmann further recites that the content source receives a message, i.e. display

properties signal 175, from a display device (sink device) which allows the source

device to decide whether the display device is capable of processing the auxiliary

data and determining whether to send to auxiliary data based on said message

information; col. 3 lines 61-67, col. 4 lines 1-11 and figure 1B. Furthermore,

Altmann discloses that the display properties data may be stored in a PROM

implementing an EDID standard; and that the display device responds to a query

from the content source (when the display device is initially connected) by

sending the properties data signal 175 to the content source, col. 6 lines 9-20

and lines 42-52. It is clear that in response to receiving the display properties

signal 175 message, the source device is the one apparatus which processes

and determines the properties of the display device. Therefore, Altmann clearly

discloses the feature of "determining, by the source device, closed caption

processing capabilities of a couple display device [sink device]".

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1, 3, 4, 7 – 10, 15 – 18 and 26 – 29** are rejected under 35 U.S.C. 103(a)

as being unpatentable over Altmann (Patent No US 7,143,328) in view of Hayes et al

(Patent No US 6,938,101). Hereinafter, referenced as Altmann and Hayes, respectively.

Regarding **claim 1**, Altmann discloses a method for selectively passing closed

caption data from a source device to a display device (Col. 3 lines 34-38) comprising:

receiving a data signal in said source device, said data signal including un-

rendered closed caption data and video data (Col. 3 lines 34-38, a set top box, i.e.

source, receives data signals which include un-rendered closed caption data from a

head end);

separating said video data from said un-rendered closed caption data (Col. 3 line

58 - col. 4 line 11; wherein un-rendered closed caption data is either separated or

multiplexed to a signal sent to the sink device based on the sink device capabilities);

determining, by the source device, closed caption processing capabilities of said

display device (Col. 3 line 58 - col. 4 line 11; the source device determines the display

device, i.e. sink device, capabilities because it either separates or multiplexes the un-

rendered closed caption data based on the closed capability of the sink device);

and transmitting said un-rendered closed caption data to said display device if

said display device is configured to process un-rendered closed caption data (Col. 3 line

58 - col. 4 lines11; wherein the closed caption data is transmitted, i.e. output auxiliary

data, to the display device if the display device is capable of processing the closed

caption data based on the information in the EDID of the display device).

However, it is noted that Altmann fails to explicitly disclose determining if said

display device has requested said un- rendered closed caption data; and transmitting-

said un-rendered closed caption data to said display device only if said display device

has requested said un-rendered closed caption data.

Nevertheless, in a similar field of endeavor Hayes discloses determining if said

display device has requested said un-rendered closed caption data; and transmitting-

said un-rendered closed caption data to said display device only if said display device

has requested said un-rendered closed caption data (Col. 26 lines 24-48; Hayes

discloses that the source device; e.g. set top box, receives a closed caption request

command from a display device and the source device sends the closed caption data

only if the display device has requested the closed caption data, the act of determining

whether the display device has requested un- rendered closed caption data is inherent

because closed caption data is only sent when it is requested).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann by specifically providing the elements

mentioned above, as taught by Hayes, for the purpose of allowing users of a plurality of

display devices connected to one source device to utilize the closed caption feature

without affecting the program display on the other display devices.

Regarding **claim 3**, Altmann and Hayes disclose the method of claim 1;

moreover, Altmann discloses that said determining closed caption processing

capabilities of said display device comprises:

communicating with said display device via said source device (Col. 6 lines 1- 20

and lines 42-65);

accessing extended display identification data (EDID) corresponding to said

display device (Col. 6 line 7);

and determining closed caption processing capabilities of said display device

based on said EDID (Col. 6 lines 5-13 and col. 3 lines 34-38; wherein the source device

determines the auxiliary data capabilities of the display device based on EDID

information, wherein auxiliary data can include captions).

Regarding **claim 4**, Altmann and Hayes disclose the method of claim 1;

moreover, Altmann discloses that said communication with said display device occurs

over a digital visual interface (DVI) (Col. 2 lines 64-66; DVI interface).

Regarding **claim 7**, Altmann discloses a system for selectively passing closed

caption data from a source device to a display device (See abstract and col. 3 lines 34-

38) comprising:

a source device (Col. 3 lines 36-38; disclosed as set top box, a computer, or a

DVD player, etc);

and a sink device communicatively coupled to said source device (see fig. 1B fig.

4A, col. 3 I1.61-65, col. 3 lines 16-23; wherein the sink device is a receiver or a display

device and is coupled to the source device by means of a DVI link);

wherein said source device is configured to receive a data signal including un-

rendered closed caption data and video data (Fig. 11, col. 3 lines 34-35; display device

receives auxiliary data signals the are comprised of closed caption data, and video

data),

separate said video data from said un-rendered closed caption data (see col. 3

I1.58 - col. 4 I1.11; wherein un-rendered closed caption data is either separated or

multiplexed to a signal sent to the sink device based on the sink device capabilities),

determine, by the source device, closed caption processing capabilities of said

sink device, and if said sink device is configured to process un-rendered closed caption

data, transmit said un- rendered closed caption data to said sink device (Col. 3 line 58 -

col. 4 line 11; the source device determines the sink device, i.e. display device,

capabilities because it either separates or multiplexes the un-rendered closed caption

data based on the closed capability of the sink device ; wherein the closed caption data

is transmitted to the display device if the display device is capable of processing the

closed caption data based on the information in the EDID of the display device).

However, it is noted that Altmann fails to explicitly disclose that if a sink device

requests un-rendered closed caption data, then transmit said un-rendered closed

caption data to said sink device.

Nevertheless, in a similar field of endeavor Hayes discloses that if a sink device

requests un-rendered closed caption data, then transmit said un-rendered closed

caption data to said sink device (Col. 26 lines 24-48; Hayes discloses that the source

device; e.g. set top box, receives a closed caption request command from a display

device and the source device sends the closed caption data only if the display device

has requested the closed caption data, the act of determining whether the display

device has requested un- rendered closed caption data is inherent because closed

caption data is only sent when it is requested).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann by specifically providing the elements

mentioned above, as taught by Hayes, for the purpose of allowing users of a plurality of

display devices connected to one source device to utilize the closed caption feature

without affecting the program display on the other display devices.

Regarding **claim 8**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said source device comprises a set-top box (Col. 3

lines 36-38).

Regarding **claim 9**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said sink device comprises one of a digital television,

a computer monitor, or a projector (Col. 6 line 2).

Regarding **claim 10**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said source device is communicatively coupled to

said sink device via a digital visual interface (Col. 2 lines 64-66).

Regarding **claims 15, 16, 17 and 18**, Altmann and Hayes disclose all the

limitations of claims 15, 16, 17 and 18; therefore, claims 15, 16, 17 and 18 are rejected

for the same reasons stated in claims 7, 8, 9 and 10, respectively.

Regarding **claims 26, 28 and 29**, Altmann and Hayes disclose all the limitations

of claims 26, 28 and 29; therefore, claims 26, 28 and 29 are rejected for the same

reasons stated in claims 1, 3 and 4, respectively.

Regarding **claim 27**, Altmann and Hayes disclose the processor readable medium of claim 26; however, it is noted that Altmann fails to explicitly disclose that said processor instructions further instruct a processor to only transmit said un-rendered closed caption data to said display device upon request from said display device.

Nevertheless, in a similar field of endeavor Hayes discloses processor instructions which instruct a processor to only transmit un-rendered closed caption data to a display device upon request from said display device (Col. 26 lines.24-48; Hayes discloses that the source device, i.e. set top box, receives a closed caption request command from a display device and the source device sends the closed caption data only if the display device has requested the closed caption data, the act of determining whether the display device has requested un-rendered closed caption data is inherent because closed caption data is only sent when it is requested).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Altmann by specifically providing the elements mentioned above, as taught by Hayes, for the purpose of allowing users of a plurality of display devices connected to one source device to utilize the closed caption feature without affecting the program display on the other display devices.

4.   **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann

in view of Hayes further in view of Carlsgaard et al (Pub No US 2002/0186320).

Hereinafter, referenced as Carlsgaard.

Regarding **claim 6**, Altmann and Hayes disclose the method of claim 1;

moreover, Altmann discloses not rendering said closed caption data to said display

device if said display device is not configured to process un-rendered closed caption

data (Col. 4 lines 2-11).

However, it is noted that Altmann and Hayes fail to explicitly disclose rendering

said closed caption data in said source device for processing. Nevertheless, the

applicant recites in the background that traditional DVI/HDMI implementations require

the video receiver to process and render closed captions to a display device (Paragraph

[0004] of originally filed specification).

Furthermore, in a similar field of endeavor Carlsgaard discloses rendering said

closed caption data in said source device for processing (Paragraph [0032] figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann and Hayes by specifically providing the

elements mentioned above, as taught by Carlsgaard, for the purpose of allowing users

with older display devices to view closed captions by enabling the television receiver to

process closed caption data and render it to the display television.

5.   **Claims 11, 19 and 30** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Altmann in view of Hayes further in view of Jon Iverson, "HDMI 0.9

Released", 30th June 2002, UltimateAVmag.com. Hereinafter, referenced as Iverson.

Regarding **claim 11**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said source device is communicatively coupled to

said sink device via an interface (Col. 2 lines 64-66).

However, it is noted that Altmann and Hayes fail to explicitly disclose using

HDMI.

Nevertheless, in a similar field of endeavor Iverson discloses using HDMI

interfaces which may be implemented for communication between source devices and

display devices (Paragraph 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann and Hayes by specifically providing the

elements mentioned above, as taught by Iverson, for the purpose of combining high

definition video with multi channel audio in a single interface (see Iverson paragraph 5),

eliminating the need for multiple connections to transmit video and multi-channel audio.

Regarding **claims 19 and 30**, Altmann, Hayes and Iverson disclose all the

limitations of claims 19 and 30; therefore, claims 19 and 30 are rejected for the same

reasons stated in claim 11.

6.   **Claims 12, 13, 14, 20, 21, 22, and 23** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Altmann in view of Hayes further in view of Ozawa et al (Patent

No US 7,023,858). Hereinafter, referenced as Ozawa.

        Regarding **claim 12**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said source device (Col. 3 lines 36-38).

        However, it is noted that Altmann and Hayes fail to explicitly disclose that the

source device is configured to be communicatively coupled to a head end unit.

        Nevertheless, in a similar field of endeavor Ozawa discloses that the source

device is configured to be communicatively coupled to a head end unit (Col. 3 lines 43-

46).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann and Hayes by specifically providing the

elements mentioned above, as taught by Ozawa, for the purpose of enabling

subscribers to purchase premium programming from the head-end.

        Regarding **claim 13**, Altmann and Hayes disclose the system of claim 7;

moreover, Altmann discloses that said source device comprises:

        a central processing unit (Col. 3 lines 36-38; set to box),

        a digital visual interface input/output (Col. 2 lines 64-66),

an 12C bus communicatively coupling said central processing unit and said

digital visual interface input/output (Col. 6 lines 54-55);

However, it is noted that Altmann and Hayes fail to explicitly disclose that a

source device may comprise a number of data storage units, and a processor

communicatively coupled to the central processing unit and to the digital visual interface

input/output.

Nevertheless, in a similar field of endeavor Ozawa discloses that a source device

may comprise a number of data storage units (Col. 4 lines 6-7),

and a processor communicatively coupled to the central processing unit and to

the digital visual interface input/output (Col. 6 lines 5-24 and figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann and Hayes by specifically providing the

elements mentioned above, as taught by Ozawa, for the purpose of enabling he

optimization of rapid video processing as disclosed by Ozawa; moreover, allowing the

storage of media and/or auxiliary data in the source device.

Regarding **claim 14**, Altmann, Hayes and Ozawa disclose the system of claim

13; moreover, Altmann discloses that said source device is configured to determine

closed caption processing capabilities of said sink device through said digital visual

interface input/output (Col. 3 line 58 - col. 4 line 11).

Regarding **claim 20**, Altmann discloses a source device configured to selectively

pass closed caption data from a source device to a display device (Col. 3 lines 34-38)

comprising:

a central processing unit (Col. 3 lines 36-38; set to box);

a digital visual interface input/output (Col. 2 lines 64-66);

an I2C bus communicatively coupling said central processing unit and said digital

visual interface input/output (Col. 6 lines 54-55);

wherein said source device is configured to receive a data signal including un-

rendered closed caption data and video data (Col. 3 lines 34-38, a set top box, i.e.

source, receives data signals which include un-rendered closed caption data from a

head end),

separate said video data from said un-rendered closed caption data (Col. 3 line

58 - col. 4 line 11; wherein un-rendered closed caption data is either separated or

multiplexed to a signal sent to the sink device based on the sink device capabilities),

determine, by the source device, closed caption processing capabilities of a

communicatively coupled display device (Col. 3 line 58 - col. 4 line 11; the source

device determines the display device, i.e. sink device, capabilities because it either

separates or multiplexes the un-rendered closed caption data based on the closed

capability of the sink device),

and if said display device is configured to process un-rendered closed caption

data, transmitting said un-rendered closed caption data to said display device (Col. 3

line 58 - col. 4 lines11; wherein the closed caption data is transmitted, i.e. output

auxiliary data, to the display device if the display device is capable of processing the closed caption data based on the information in the EDID of the display device).

However, it is noted that Altmann fails to explicitly disclose that if a sink device requests un-rendered closed caption data, then transmit said un-rendered closed caption data to said sink device.

Nevertheless, in a similar field of endeavor Hayes discloses that if a sink device requests un-rendered closed caption data, then transmit said un-rendered closed caption data to said sink device (Col. 26 lines 24-48; Hayes discloses that the source device; e.g. set top box, receives a closed caption request command from a display device and the source device sends the closed caption data only if the display device has requested the closed caption data, the act of determining whether the display device has requested un- rendered closed caption data is inherent because closed caption data is only sent when it is requested).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Altmann by specifically providing the elements mentioned above, as taught by Hayes, for the purpose of allowing users of a plurality of display devices connected to one source device to utilize the closed caption feature without affecting the program display on the other display devices.

However, it is noted that Altmann and Hayes fail to explicitly disclose that a source device may comprise a number of data storage units, and a processor communicatively coupled to the central processing unit and to the digital visual interface input/output.

Nevertheless, in a similar field of endeavor Ozawa discloses that a source device

may comprise a number of data storage units (Col. 4 lines 6-7),

and a processor communicatively coupled to the central processing unit and to

the digital visual interface input/output (Col. 6 lines 5-24 and figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Altmann and Hayes by specifically providing the elements

mentioned above, as taught by Ozawa, for the purpose of enabling he optimization of

rapid video processing as disclosed by Ozawa; moreover, allowing the storage of media

and/or auxiliary data in the source device.

Regarding **claims 21, 22 and 23**, Altmann, Hayes and Ozawa disclose all the

limitations of claims 21, 22 and 23; therefore, claims 21, 22 and 23 are rejected for the

same reasons stated in claims 3, 4 and 8, respectively.

7.   **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann

in view of Hayes further in view of Magendanz et al (Pub No US 2004/0080482).

Hereinafter, referenced as Magendanz.

Regarding **claim 31**, Altmann and Hayes disclose the method of claim 1;

moreover, Altmann discloses a source device connected to a display device, wherein

the source device selectively is selectively transmitting un-rendered closed caption data

only to the display device only if the display device is configured to process un-rendered

closed caption data and if the display device has requested the un-rendered closed

caption data (See rejection of claim 1).

However, it is noted that Altmann and Hayes fail to explicitly disclose that the

source device is in communication with a plurality of display devices.

Nevertheless, in a similar field of endeavor Magendanz discloses that the source

device is in communication with a plurality of display devices (Paragraph [0035] fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Altmann and Hayes by specifically providing the

elements mentioned above, as taught by Magendanz, for the benefit of providing the

user with the ability of connecting a plurality of display devices to a source device and

having the same amount of desktop space (display size) of a large display while saving

money.

8.   **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann

in view of Hayes further in view of Kessler et al (Patent No US 6,373,526). Hereinafter,

referenced as Kessler.

Regarding **claim 32**, Altmann and Hayes disclose the method of claim 3;

moreover, Altmann discloses determining if a display device supports closed caption

(See rejection claim 1).

However, it is noted that Altmann and Hayes fail to explicitly disclose determining a closed caption type.

Nevertheless, in a similar field of endeavor Kessler discloses determining a closed caption type (Col. 6 lines 40-45; EIA-608 and EIA-708 closed captioning standards).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Altmann and Hayes by specifically providing the elements mentioned above, as taught by Kessler, for the purpose of providing the device with ability to decode the best closed caption format that may be available with the programming that a user is viewing, as taught by Kessler.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
June 15, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423